

Appropriation of Water in Montana

STATE DOCUMENTS COLLECTION

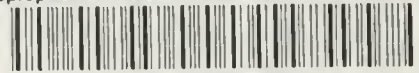
SEP 23 1990

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

PLEASE RETURN

Montana Department of Natural
Resources & Conservation

• MONTANA STATE LIBRARY •
S 333.91 N7awm 1990 c.1
Appropriation of water in Montana.



3 0864 00068579 5

Appropriation of Water in Montana

Department of Natural
Resources and Conservation

1520 East Sixth Avenue
Helena, MT 59620-2301

Phone: (406) 444-6610

July 1990

TABLE OF CONTENTS

A Background of Legal Water Use in Montana 1

Montana Water Use Act..... 1

Water Rights Administration2

Adjudication of Existing Water Rights 2

New Appropriations of Water 5

 Surface Water

 Groundwater

 Special Groundwater Circumstances

 Combined Appropriations

 Appropriations Over 3,000 Acre-Feet

 Appropriations in Controlled Area

How the Permit System Works 7

 Step 1 - Completing the Application Form

 Criteria for Issuance of a Permit

 Step 2 - DNRC Review of the Application

 Step 3 - Filing a Notice of Completion

 Step 4 - Certificate of Water Right

Temporary and Interim Permits 12

Changes in Water Use 13

Transfer of Ownership of a Water Right 14

Water Reservations 15

Controlled Groundwater Areas15

Closure of Highly Appropriated Basins 16

Sources of Information 18

 DNRC Offices

 Montana Water Courts

 Printed Material

 Water Right Forms and Fee Schedule

 Water Conversion Table

FIGURES

1. Montana General Adjudication Status3

2. Water Permit Application Process 10

A BACKGROUND OF LEGAL WATER USE IN MONTANA

Water use in Montana is guided by the *prior appropriation doctrine*—that is, *first in time is first in right*. A person's right to a specific quantity of water depends on when the use began. The first person to use water from a source established the first right, the second person could establish a right from what was left, and so on. During dry years, the person with the first right has the first chance at the available water to get the full amount of their right. The holder of the second right would have the next chance, and so on. In addition the water user is limited to appropriating only the amount of water that can be beneficially used.

MONTANA WATER USE ACT

Passage of the Montana Water Use Act in 1973, Title 85, chapter 2, MCA was the most comprehensive change in Montana's water right laws in the state's history. The act changed the water right laws significantly in a number of ways.

1. All water rights existing prior to July 1, 1973 were to be made final through an adjudication process in state courts.
2. A permit system was established for obtaining water rights for new or additional water developments.
3. A centralized records system was established. Prior to 1973, water rights were recorded, but not consistently, in county courthouses throughout the state.
4. A system was provided to reserve water for future beneficial uses or to maintain minimum streamflows.

WATER RIGHTS ADMINISTRATION

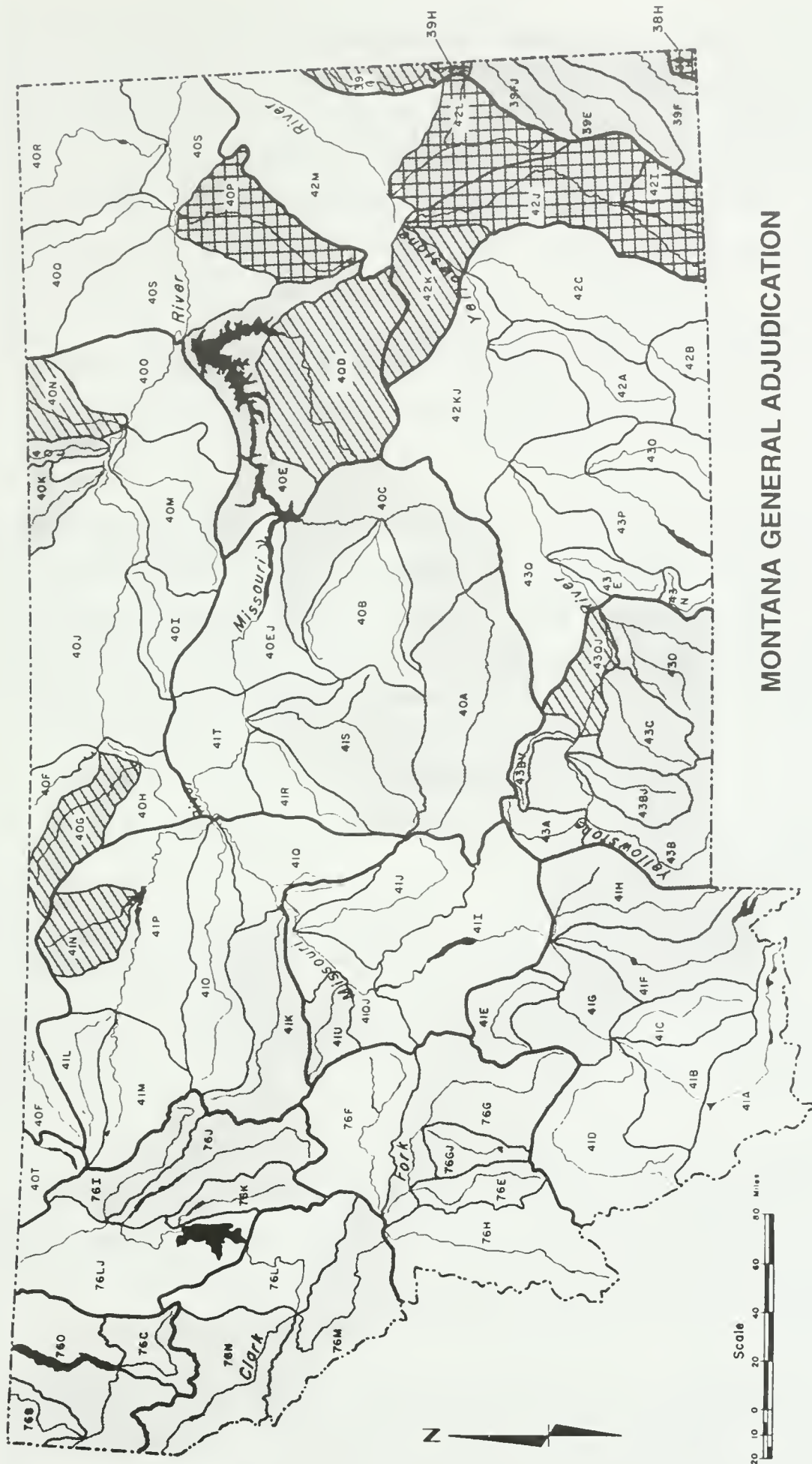
There are two entities that manage water rights in Montana: the Department of Natural Resources and Conservation (DNRC) and the Montana Water Court. The DNRC administers the provisions of the water use act which relate to water appropriated after June 30, 1973. The DNRC provides technical information and assistance to the water court as required. A central records system is maintained on all permits, changes and certificates issued after June 30, 1973 and all existing water rights in the statewide adjudication. The DNRC trains water commissioners and mediators in their duties and in mediation and water measuring techniques.

The water court is responsible for the adjudication of pre-July 1, 1973 water rights. In addition, any legal issues involving the adjudication of water rights that arise during a water permit or change authorization hearing may be certified to and determined by the water court.

ADJUDICATION OF EXISTING WATER RIGHTS




In 1979, the legislature passed Senate Bill 76 (SB 76) modifying the statutes, originally established by the Montana Water Use Act, that govern how existing water rights in Montana would be adjudicated. *Existing water rights* are those that originated before July 1, 1973, the effective date of the Montana Water Use Act.

The act divided Montana into four water divisions and created a water court to preside over each for the purpose of adjudicating all existing water rights in a statewide proceeding. At the same time, the Reserved Water Rights Compact Commission was created to negotiate compacts with federal agencies and Indian tribes that quantify their federal reserved water rights in Montana. The commission is an integral part of the statewide adjudication process.



MONTANA GENERAL ADJUDICATION

STATUS AS OF MAY, 1990

-  Temporary Preliminary Decree (31 basins)
-  Preliminary Decree (7 basins)
-  Final Decree (6 basins)

On June 6, 1979, the Montana Supreme Court issued an Order requiring every person claiming ownership of an existing water right to file a statement of claim for that right with the Department of Natural Resources and Conservation (DNRC) no later than January 1, 1982. On December 7, 1981, the Supreme Court extended the deadline to April 30, 1982 at 5:00 P.M. Stockwater and domestic claims for groundwater or instream flow were exempted from this process, though such claims could be filed voluntarily. Existing water rights not filed on by the deadline would, by statute, be conclusively presumed to have been abandoned.

Over 200,000 claims for existing water rights were received by the April 30, 1982 deadline. In addition, over 3,000 late claims have been filed. Since all these claims cannot be adjudicated at once, the claims are being decreed systematically by drainage basin for each of Montana's 85 basins. Furthermore, each claim is examined by DNRC staff for completeness and accuracy prior to the issuance of a decree. Apparent discrepancies are reported to the claimants and the water courts. The reports are also made available to the public.

The first issuance of a decree by the water courts is termed either a *temporary preliminary decree* or a *preliminary decree*. Temporary preliminary decrees are issued in basins containing federal reserved water rights where a compact has not been concluded. Such decrees contain all rights other than the reserved rights being negotiated. In these basins, a preliminary decree will be issued as a second stage and will include all rights in the temporary preliminary decree along with all compacts concluded in the basin. Adjudication in basins without federal reserved rights begin with a preliminary decree.

Notice of issuance of every temporary preliminary and preliminary decree is given to all parties that may be affected by the decree, along with notice of the time period for objecting to the

rights or compact in the decree. The water judge, with the help of a water master, hears and decides all objections. After all objections have been resolved the water judge issues a final decree. On the basis of the final decree, DNRC will issue a Certificate of Water Right to each person decreed an existing water right.

NEW APPROPRIATIONS OF WATER

A permit system was established by the Montana Water Use Act of 1973. The act requires that a person planning a new or additional development of surface water or groundwater after June 30, 1973, obtain either a Permit to Appropriate Water or file a Notice of Completion of Ground-Water Development for a Certificate of Water Right. The permit system is administered by the Montana Department of Natural Resources and Conservation.

Surface Water

A Permit to Appropriate Water must be applied for and received **before** construction begins or water is diverted from any surface water source. Plan ahead—the application process will take some time to complete. The applicant for a permit must provide information concerning the proposed system design and operation, water availability, streamflow conditions, and the effects on existing water rights.

The exception to this rule is a small livestock reservoir or pit located on a non-perennial flowing stream (one that does not flow continuously year round). If the pit or reservoir will hold less than 15 acre-feet of water with an annual appropriation of less than 30 acre-feet and will be located on a parcel of land larger than 40 acres, construction can begin immediately. Within 60 days of completion, an Application for Provisional Permit for Completed Stockwater Pit or Reservoir (Form 605) must be submitted to DNRC. A provisional permit subject to prior water rights will then

be issued. If the reservoir has adverse effects on prior rights, DNRC can revoke the permit or require an applicant to modify the reservoir.

Groundwater

It is not necessary to apply for a Permit to Appropriate Water to develop wells or groundwater springs with an anticipated use of less than 100 gallons per minute outside a controlled groundwater area. The first step is to drill the well or develop the spring. A Well Log Report (Form 603) is completed by the driller and sent to DNRC within 60 days. A copy is also given to the well owner. After the development is in use, the owner submits a Notice of Completion of Groundwater Development (Form 602) along with a filing fee to DNRC within 60 days. The priority date of the water right is the date DNRC receives the completed Form 602. DNRC will review the form to ensure that it is correct and complete. A Certificate of Water Right will then be issued to the owner for the specific use(s) developed.

Developments of groundwater with an anticipated use of 100 gallons per minute or more require a Permit to Appropriate Water before any development begins or water is used.

Special Groundwater Circumstances

Combined Appropriation

When the combined appropriation of two or more wells or developed springs from the same source is 100 gallons per minute or more, a Permit to Appropriate Water is required. A *combined appropriation* is defined as an appropriation of groundwater by means of two or more groundwater developments in the same source, the purpose of which, in DNRC's judgement, could have been accomplished by a single appropriation. The developments need not be physically connected or have a common distribution system. They need not be developed simultaneously; they could be developed gradually. They can be separate developments used

for the same or separate parts of a project. The amount of water used for the entire project from these developments is called the combined appropriation.

Appropriations Over 3,000 Acre-Feet

Applications to appropriate more than 3,000 acre-feet of groundwater per year may be granted only if an act of the legislature permits the specific appropriation. This particular law does not apply to appropriations for municipal use, public water supplies, or the irrigation of cropland owned and operated by the applicant.

Appropriations in Controlled Area

A permit is required to appropriate any amount of groundwater in an area designated as a controlled groundwater area. These areas are identified on page 16.

HOW THE PERMIT SYSTEM WORKS

The permit system requires a water user to follow the procedure described below.

Step 1 - Completing the Application Form

An Application for Beneficial Water Use Permit (Form 600) is used to describe the intended use, location, amount of water, diversion facilities, and other particulars of the proposed appropriation. Supplement to Application for Beneficial Water Use Permit (Form 600A) must provide facts showing substantial credible evidence that the criteria for issuance of a permit listed in Section 85-2-311(1) are met. An application fee, based on the volume of water requested, must be submitted with the application and criteria supplement. Forms are available from any county clerk and recorder or water rights field office.

Criteria for Issuance of a Permit

The applicant for a water use permit has the initial burden to prove by substantial credible evidence that the criteria for issuance of a permit are met. These include:

1. There is unappropriated water in the source at the point of diversion, in the amount the applicant requests, and during the time the applicant needs it.
2. The water rights of prior appropriators will not be adversely affected.
3. The proposed means of diversion, construction, and operation are adequate.
4. The proposed use of water is a beneficial use.
5. The proposed use will not interfere with other uses for which a permit or water reservation has been issued.
6. The applicant owns or has permission from the person who owns the property at the place of use.

To meet this standard of evidence the applicant must submit information or data the applicant has gathered showing the criteria are met. Examples of such data include water supply information, actual streamflow measurements, photographs, signed statements of streamflow observations and knowledge, field studies, and hydrologic reports. This information may be developed by the applicant or obtained, if available, from the U.S. Geological Survey, U.S. Soil Conservation Service, DNRC, or any other credible source.

The initial level of evidence required in the application is higher for appropriations of 4,000 acre-feet or more and 5.5 cubic feet per

second or more. The applicant must prove by clear and convincing evidence the criteria set out in Section 85-2-311(2), MCA are met. If the appropriation is for an out-of-state use the applicant must also prove the criteria set out in Section 85-2-311(3), MCA are met.

Step 2 - DNRC Review of the Application

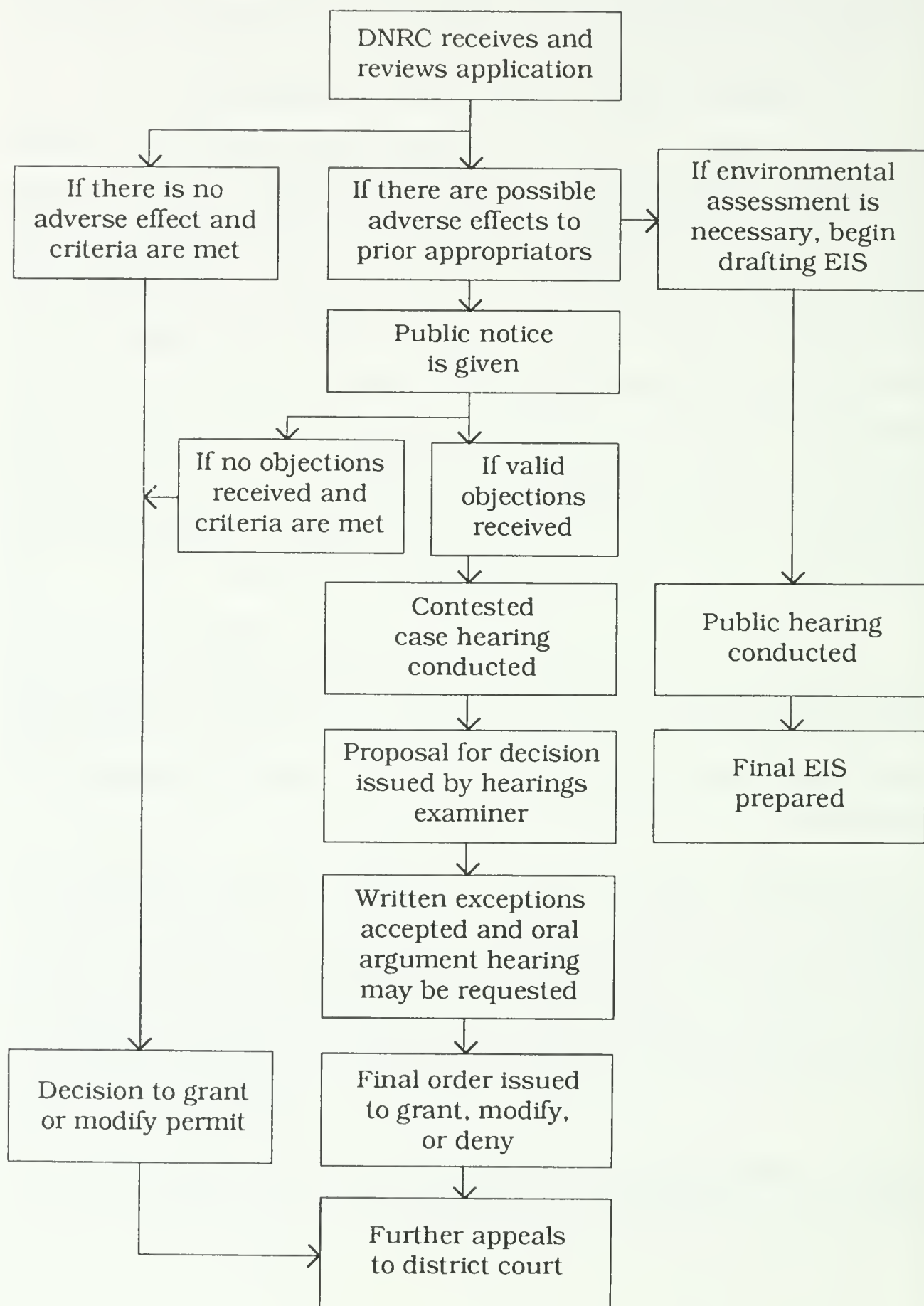
The date DNRC receives the original permit application will be the priority date assigned to the appropriation. As mentioned earlier this date is important because of the “first in time is first in right” principle in Montana water law. DNRC will review the application for completeness and accuracy and process the application as outlined in Figure 2, page 10. At the same time an environmental assessment is made to determine whether the proposed project will have significant environmental impacts and whether an Environmental Impact Statement is needed. If the application contains defects it will be returned to the applicant for correction. An application is subject to possible termination if not returned to DNRC with the requested corrections.

If, on the basis of information reasonably available to it, DNRC finds that the appropriation as proposed will not adversely affect the water rights of other persons, and the applicant proves the criteria set out in Section 85-2-311, MCA, are met the permit will be issued.

If potential adverse effects are evident, DNRC must publish notice of the application in the local newspaper for one week. DNRC will mail notification of the application to any known water users in the area of the source who might be affected. Local water users have an opportunity to file an Objection to Application (Form 611) on or before the deadline specified in the published notice.

If no objections are received and the applicant proves the criteria are met, the permit will be issued.

Figure 2.
WATER PERMIT APPLICATION PROCESS



If valid objections are received and the objections can not be resolved among all parties, a hearing is conducted. After evaluation of the evidence and testimony given at the hearing, the hearing examiner issues a Proposal for Decision to grant, modify, or deny the permit. An opportunity is given to each party to file within 20 days written exceptions to the proposal for decision and present briefs and oral argument to the Department. A Final Order will then be issued. Appeal of the Final Order may be made directly to the district court.

There are two more points that concern all applications for permits.

1. Any proposed appropriation that may significantly affect the quality of the human environment will require an Environmental Impact Statement (EIS). The purpose of the EIS is to document the affects, evaluate alternatives and provide for public review and comment. Information developed during the EIS process will aid DNRC in the processing of a permit. DNRC may impose an additional fee to the applicant to fund preparation of the EIS.
2. Any Permit to Appropriate Water issued by DNRC is **provisional**. It is junior to prior existing water rights and subject to the final court determination of those rights. It is also junior to prior permitted water rights and prior water reservations, except as otherwise provided by law.

Step 3 - Filing A Notice of Completion

Upon receiving the permit, the applicant's next step is to construct the project, divert the water, and put the water to the full intended use as outlined in the permit. When this is done, a Notice of Completion of Water Development (Form 617) must be filed with DNRC before the deadline specified in the permit. Failure to file the notice of completion by the deadline will cause the permit to terminate automatically, by operation of law.

When unforeseen circumstances prevent completion of development before the deadline, the permittee may apply for an extension of time. Notice of and opportunity for objections to the application for extension of time are provided. Objections must provide facts addressing the applicant's lack of due diligence towards completing the permit. If the permittee provides sufficient evidence showing a continuous regular effort to complete the project, an extension of time may be granted.

Step 4 - Certificate of Water Right

After the project is completed, DNRC will verify through a field investigation whether the project was completed in substantial accordance with the permit. The certificate will be issued if:

- 1. The project has been completed.
- 2. The water has been used according to the terms of the permit.
- 3. The basin in which the permit lies has been adjudicated and the final decree issued.

The priority date of each certificate will be the date DNRC received the original permit application.

TEMPORARY AND INTERIM PERMITS

A **Temporary Permit** may be requested if the use of water is intended for only a limited period of time. Water used in oil or gas exploration or in highway construction are examples of cases where water is needed only temporarily. An application for a temporary permit is processed according to the same procedures as for a provisional permit. The applicant must prove the same criteria under Section 85-2-311, MCA. A temporary permit has an expiration date based on the period requested by the applicant and

will expire on that date. No Certificate of Water Right is issued on these permits.

An **Interim Permit** may be requested by an applicant for a provisional permit for testing purposes, to ensure the proposed development will produce the amount of water needed without adverse effect. An Interim Permit would allow the applicant to construct the diversion and conduct a test prior to final approval or denial of the application. The issuance of the Interim Permit does not guarantee issuance of a provisional permit; that decision remains subject to the procedures and criteria set out in the Montana Water Use Act.

CHANGES IN WATER USE

In order to protect all water rights, prior approval from DNRC is required before changing an existing water right, permit, or certificate in any of the following ways:

1. Point of diversion.
2. Place of use.
3. Purpose of use.
4. Place of storage.

An Application for Change of Appropriation Water Right (Form 606) identifies the water right to be changed and what is proposed to change. The Supplement to Application for Change of Appropriation Water Right (Form 606A) must provide facts showing substantial credible evidence that the criteria for issuance of an authorization to change listed in Section 85-2-402(2) are met. An Application for Change follows the same general process outlined in Figure 2 on page 10. An Authorization to Change Appropriation Water Right must be issued before the change is made.

Criteria for Issuance of an Authorization to Change Appropriation Water Right

1. The proposed use will not adversely affect other water rights or other planned developments for which a permit has been issued or water reserved.
2. The proposed means of diversion, construction, and operation of the appropriation works are adequate.
3. The proposed use of water is a beneficial use.
4. The applicant owns or has permission from the person who owns the property where the water is to be used.

The applicant for a change in purpose or place of use of an appropriation of 4,000 acre-feet or more of water per year and 5.5 cubic feet per second or more of water will be required to prove the criteria set out in Section 85-2-402(3), MCA. If a proposed change in purpose or place of use results in 4,000 acre-feet or more and 5.5 or more cubic feet per second of water being consumed the applicant must prove the criteria in Section 85-2-402(4) are met and obtain legislative approval. If the change involves the transport of water out of state the applicant must prove the criteria listed in Section 85-2-402(5), MCA are met and obtain legislative approval.

TRANSFER OF OWNERSHIP OF A WATER RIGHT

Anyone who transfers ownership of land with an associated water right is required under the law to file a Water Right Transfer Certificate (Form 608) with DNRC within 60 days of filing the deed.

The purpose of filing the form is to help maintain a reliable record of water right ownership. The current owner of a water right will be notified of all actions by the water courts or DNRC that could affect his or her water right. The completed form and filing fee must be submitted to DNRC.

WATER RESERVATIONS

Water may be reserved for future beneficial uses or to maintain minimum streamflows or water quality, but only by political subdivisions of the State of Montana or agencies thereof, or by the United States or any of its agencies. Water reservations are administered by the Board of Natural Resources and Conservation (Board).

In 1978 the Board granted water reservations in the Yellowstone River Basin to eight municipalities, fourteen conservation districts and six state and federal agencies for municipal, irrigation, and stock purposes and for maintaining instream flows and water quality. These water reservations have a priority date of December 15, 1978. Individuals within a conservation district who are interested in using water under the local district's water reservation should contact the district office.

Water reservation applications have been filed in the Missouri and Clark Fork River basins for agricultural, municipal, and minimum flow purposes. The Board will be acting on these in the future.

CONTROLLED GROUNDWATER AREAS

Controlled groundwater areas may be designated by the Board of Natural Resources and Conservation. A petition may be filed by at least 20 or one-fourth whichever is less of the users of

groundwater in a groundwater area where the petitioners feel a controlled area is necessary. A petition must allege there are facts to show that:

1. groundwater withdrawals are in excess of recharge to the aquifer;
2. excessive withdrawals are very likely to occur in the near future because withdrawals have consistently increased in the area;
3. there are significant disputes within the area concerning priority of rights, amounts of water being used, or priority of type of use;
4. groundwater levels or pressures are declining or have declined excessively; or
5. excessive withdrawals would cause contaminant migration or degradation of groundwater quality.

After notice and hearing, the Board will issue an order. If the order declares the area a controlled groundwater area, the order will contain the specific control provisions.

At present, there are two areas in the state designated as controlled groundwater areas. The South Pine Controlled Groundwater Area contains portions of Prairie, Wibaux, and Fallon Counties, and the Larson Creek Controlled Groundwater Area lies in Ravalli County. The Petition to the Board of Natural Resources and Conservation for Controlled Groundwater Area (Form 630) is available from DNRC.

CLOSURE OF HIGHLY APPROPRIATED BASINS

Recognizing the water availability problem and the need to protect prior existing water rights in the Milk River Basin, the

Montana legislature authorized DNRC to suspend or reject new water permit applications in the basin. After notice and hearing, DNRC issued an order in 1983 to close the mainstem of the Milk River. Specifically, permit applications for direct diversion without storage from the mainstem Milk River for any consumptive use will be rejected during certain times of the year depending on the location of the diversion on the river.

Besides this one basin closure allowed by law, other overappropriated basins may be closed to new appropriations of water through DNRC adoption of administrative rules. In order to adopt rules, DNRC must receive a petition signed by at least 25 percent or 10 (whichever is less) of the users of water in the source of supply within the specific basin. The petition must allege facts showing that during certain times of the year:

- (1) there are no unappropriated waters in the source of supply;
- (2) the rights of prior appropriators will be adversely affected;
or
- (3) further new uses will interfere with other planned uses for which a permit has been issued or water has been reserved.

If DNRC determines rules should be adopted to close the basin, a notice will be provided and a hearing held on the rules. Depending on the evidence and testimony submitted the rules could close a basin:

- (1) to all new appropriations of water or only consumptive uses;
- (2) during all times of the year or only certain times of the year;
- (3) to all types of uses or only specific types of uses.

As of July 1, 1990, two basins, Grant Creek in Missoula County and Rock Creek in Carbon County, are closed to new appropriations of water during certain times of the year. The form called

Petition to the Department of Natural Resources and Conservation to Adopt Rules to Reject Permit Applications, or Modify or Condition Permits Issued in a Highly Appropriated Water Basin or Subbasin (Form 631) is available from DNRC.

SOURCES OF INFORMATION

All water right forms required by the Montana Department of Natural Resources and Conservation are available at your local county clerk and recorder's office or any of the nine Water Rights Bureau field offices listed next.

DNRC Offices

Additional information or assistance is available by calling or writing the main DNRC office at:

Montana Department of Natural Resources
and Conservation
Water Resources Division
Water Rights Bureau
1520 East Sixth Avenue
Helena, Montana 59620
444-6610

Information can also be obtained from the following DNRC field offices.

DNRC Field Offices

BILLINGS

1537 Avenue D, Suite 105
Billings, MT 59102
Phone: 657-2105
Serving: Big Horn, Carbon,
Stillwater, Sweet Grass, Treasure,
and Yellowstone Counties.

BOZEMAN

111 North Tracy
Bozeman, MT 59715
Phone: 586-3136 or 586-3137
Serving: Gallatin, Madison, and
Park Counties.

GLASGOW

839 1st Avenue South
P.O. Box 1269
Glasgow, MT 59230
Phone: 228-2561
Serving: Daniels, Dawson,
Garfield, McCone, Phillips,
Richland, Roosevelt, Sheridan,
and Valley Counties.

HAVRE

1708 West Second Street
P.O. Box 1828
Havre, MT 59501
Phone: 265-5516 or 265-2225
Serving: Blaine, Choteau, Glacier,
Hill, Liberty, Pondera, Teton, and
Toole Counties.

HELENA

1520 East Sixth Ave.
Helena, MT 59620-2301
Phone: 444-6695
Serving: Beaverhead, Broadwater,
Deer Lodge, Jefferson, Lewis and
Clark, Powell, and Silver Bow
Counties.

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, MT 59903-0860
Phone: 752-2288 or 752-2843
Serving: Flathead, Lake, Lincoln,
and Sanders Counties.

LEWISTOWN

204 South Daws
P.O. Box 438
Lewistown, MT 59457
Phone: 538-7459 or 538-7012
Serving: Cascade, Fergus,
Golden Valley, Judith Basin,
Meagher, Musselshell,
Petroleum, and Wheatland
Counties.

MILES CITY

5 North Prairie Avenue
P.O. Box 276
Miles City, MT 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud,
and Wibaux Counties.

MISSOULA

Holiday Village Professional
Plaza, Suite 105
P.O. Box 5004 (59806)
Missoula, MT 59801
Phone: 721-4284
Serving: Granite, Mineral,
Missoula, and Ravalli Counties

Montana Water Courts

For information about issued decrees, objections, or hearings on pre-July 1, 1973 water rights in the state-wide adjudication, contact the Montana Water Courts in Bozeman.

Montana Water Court
PO Box 879
Bozeman, Montana 59771-0879
586-4364
Toll-free number: 800-624-3270

Printed Material

The following publications are available from the DNRC, its field offices or your local library through interlibrary loans with the State Library.

	<u>Cost</u>
Montana Water Law (1989)	\$ 3.00
Transferring Water Rights	none
Montana Water Development Program	none
Montana Renewable Resource Development Program	none
Montana's Water Planning Program	none
Managing Groundwater Shortages	none
Water Well Drilling For the Prospective Well Owner	none
Do You Own a High-Hazard Dam?	none

Water Right Forms and Fee Schedule

Form 600 - Application for Beneficial Water Use Permit

Form 600A or 600B - Supplement to Application for Beneficial Water Use Permit

A) For consumptive uses, the fee charged is based on the following rate schedule:

0 - less than 25 acre-feet per year	\$ 50
25 - less than 100 acre-feet per year	\$100
100 - less than 500 acre-feet per year	\$150
500 - less than 1,000 acre-feet per year	\$200
1,000 or more acre-feet per year	\$250

B) For non-consumptive uses, the fee charged is based on the following schedule:

0 - less than 1,000 acre-feet per year	\$ 50
1,000 - less than 10,000 acre-feet per year ..	\$100
10,000 or more acre-feet per year	\$200

For any application with a combination of consumptive and non-consumptive uses the rate schedule shown in (A) above shall apply.

C) For an Interim Permit the **Fee is \$10** in addition to the rate shown in (A) or (B) above.

Form 602 - Notice of Completion of Groundwater Development

Fee of \$10

Form 603 - Well Log Report

No charge

Form 605 - Application for Provisional Permit for Completed Stockwater Pit or Reservoir

Fee of \$10

Form 606 - Application for Change of Appropriation Water Right

Form 606A or 600B - Supplement to Application for Change of Appropriation Water Right

Fee of \$50

A) For a change application concerning a replacement well or reservoir in the same source or an application which is the result of a recommendation made during verification.

Fee of \$10

B) If the Department determines an application in A. above must be advertised the applicant shall also pay direct **publication costs**.

Form 607 - Application for Extension of Time

Fee of \$25

Form 608 - Water Right Transfer Certificate

Fee of \$10

Form 610 - Application for Reservation of Water

Fee of \$100 plus Department costs of giving notice, holding the hearing, conducting investigations, and making records as required by Section 85-2-316, MCA.

Form 611 - Objection to Application

No charge

Form 617 - Notice of Completion of Water Development

No charge

Form 618 - Notice of Completion of Change of Appropriation Water Right

No charge

Form 630 - Petition to the Board of Natural Resources and Conservation for Controlled Groundwater Area

Fee of \$100 plus Department costs of giving notice, holding the hearing, conducting investigations, and making records pursuant to Section 85-2-506 and 85-2-507, MCA.

Form 631 - Petition to the Department of Natural Resources and Conservation to Adopt Rules to Reject Permit Applications or Modify or Condition Permits Issued in a Highly Appropriated Water Basin or Subbasin

Fee of \$100 plus the petitioners shall also pay reasonable costs of giving notice, holding the hearing, conducting investigations, and making records pursuant to Section 85-2-319, MCA except the costs of salaries of the Department personnel.

WATER CONVERSION TABLE

FLOW RATE is the rate at which water is diverted or withdrawn from the source. It is measured in gallons per minute or cubic feet per second. 1 cubic foot per second (cfs) is a rate of water flow which will supply one cubic foot of water in one second and is equivalent to flow rates of:

7.48 gallons per second
448.8 gallons per minute
646,272 gallons per day
1.98 acre-feet per day
40 miner's inches in Montana

VOLUME is the amount of water diverted over a specific period of time each year. 1 acre-foot (AF) is the volume of water which will cover one acre to a depth of one foot and is equal to:

43,560 cubic feet
325,851 gallons



MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

1520 EAST SIXTH AVENUE HELENA, MONTANA 59620